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Attorney Docket No.: 019934-002510US

Assistant Commissioner for Patents Washington, D.C. 20231

January 22, 2003

WNSEND and TOWNSEND and CREW LLP

Maisie C. Livengood

Dand CREW LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHALL and PENFOLD

Application No.: 09/944,049

Filed: August 30, 2001

For: CMB VACCINES (AMENDED)

Examiner: Mosher, Mary

Art Unit: 1648

INFORMATION DISCLOSURE

STATEMENT UNDER 37 CFR §1.97 and

§1.98

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that <u>no fee is required</u> for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's

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Respectfully submitted,

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Scott L. Ausenhus Reg. No. 42,271

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PTO/SB/21 (08-00) Approved for use through 10/31/2002. OMB 0651-0031 Přease type a plus sign (+) inside this box -U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE a collection of information unless it displays a valid OMB control number. ler the Paperwork Reduction Act of 1995, no persons Application Number 09/944,049 TRANSMITTAL Filing Date August 30, 2001 **FORM** First Named Inventor Schall, Thomas J. (to be used for all correspondence after initial filing) 1648 Group Art Unit **Examiner Name** Mosher, Mary Total Number of Pages in This Submission Attorney Docket Number 019934-002510US ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form Group (for an Application) Appeal Communication to Board of Fee Attached Drawing(s) . Appeals and Interferences Appeal Communication to Group Licensing-related Papers Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Status Letter Affidavits/declaration(s) Provisional Application Power of Attorney, Revocation Other Enclosure(s) Extension of Time Request Change of Correspondence Address (please identify below): RECEIVED' Terminal Disclaimer Return Postcard Express Abandonment Request Request for Refund JAN 2:8 2003 Information Disclosure Statement CD, Number of CD(s) copies of 95 cited references The Commissioner is authorized to charge any lawy rains 5R 1600/2900 Certified Copy of Priority Deposit Account 20-1430. Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Townsend and Townsend and Crew LLP Firm Reg. No. 42,271 Scott L. Ausenhus Individual name Signature Date 01-22-03 CERTIFICATE OF MAILING

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